(26)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2702 of 2007

Petitioner — Asharam Sahu Son of Mansaram Sahu, aged about 60 years, Resident of Village Biretara, Post Doma, District Dhamtari (C.G.)

Versus

Respondents

1. State of Chhattisgarh, Through: The Secretary, Water Resources Department, D.K.S. Bhawan, Raipur (C.G.)
2. The Executive Engineer, Water Management Division Rudri, Tahsil and District Dhamtari (C.G.)
3. The Sub Divisional Officer, Mahanadi Water Management Sub Division No. 1 Rudri, Tahsil And District Dhamtari (C.G.)

Writ petition under Article 226 of the Constitution of India

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Mr. P.P. Sahu, Advocate for the petitioner.
Mr. Arvind Dubey, Panel Lawyer for State/respondents.

O R D E R

(Passed on 4th Day of May, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner, who was employed as permanent Gangman on 1.5.1981 as labour in the establishment of respondents No. 2 and 3, seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.') 56.

2. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the

Constitution of India. After having attained the status of the permanent employee the petitioner would retire on attainting the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 454/2005 **(Ram Prasad Yadav and others Vs. State of Chhattisgarh & others)** and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.

5. The respondents are at liberty to consider the facts of the case asto whether the petitioner has completed 15 years of service as gangman. In the event, it is found that the petitioner has completed 15 years of service, the case shall be governed by the decision of this Court in the matter of Ram Prasad Yadav and others Vs. State of Chhattisgarh & others (supra).

6. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967.

7. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Subhash